

Chemical Corporation Site, Oakland, New Jersey.

[FR Doc. 95-24269 Filed 9-28-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 300

[FRL-5307-2]

#### National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List Update

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Action Anodizing, Plating and Polishing Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region II announces the deletion of the Action Anodizing, Plating and Polishing site from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New York have determined that all appropriate Hazardous Substance Response Trust Fund- (Fund-) financed responses under CERCLA have been implemented and that no further cleanup is appropriate. Moreover, EPA and the State of New York have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** October 30, 1995.

**ADDRESSES:** For further information contact: Janet Cappelli, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, NY 10007-1866, (212) 637-4270.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is the Action Anodizing, Plating and Polishing site, Copiague, Suffolk County, New York. A Notice of Intent to Delete for this site was published in the Federal Register [59 FR 64644] on June 6, 1995. The closing date for comments on the Notice of Intent to Delete was July 6, 1994. EPA received no verbal or written comments on the proposed deletion.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Fund-financed remedial actions. Any site deleted from the NPL

remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 7, 1995.

William J. Muszynski,

*Acting Regional Administrator.*

40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321 (c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

#### Appendix B—[Amended]

2. In appendix B, Table 1 is amended by removing the site for Action Anodizing, Plating and Polishing, Copiague, New York.

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#### 40 CFR Part 763

[OPPTS-62142A; FRL-4979-9]

#### Asbestos-Containing Materials in Schools; State Request for Waiver From Requirements; Final Decision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final decision on requested waiver.

**SUMMARY:** EPA is issuing a final decision which approves the request of Colorado for a waiver from the requirements of 40 CFR part 763, subpart E, Asbestos-Containing Materials in Schools.

**DATES:** This final decision is effective October 30, 1995.

**ADDRESSES:** A copy of the complete waiver application submitted by the State is available from the TSCA Nonconfidential Information Center, TSCA Docket Receipt (7404), Office of Pollution Prevention and Toxics, Rm.

NE-B607, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. A copy is also on file and may be reviewed at the EPA Region 8 office in Denver, Colorado: EPA, Region 8 (8ART-RTI), 999 18th St., Denver, CO, 80202-2466.

#### FOR FURTHER INFORMATION CONTACT:

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E-543B, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551, e-mail: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** This action is issued under the authority of Title II of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2641, *et seq.* TSCA Title II was enacted as part of the Asbestos Hazard Emergency Response Act (AHERA), Pub. L. 99519. AHERA is the abbreviation commonly used to refer to the statutory authority for EPA's rules affecting asbestos in schools and will be used in this document. EPA issued a final rule in the Federal Register of October 30, 1987 (52 FR 41846), the "Asbestos-Containing Materials in Schools Rule" (the Schools Rule, 40 CFR part 763, subpart E), which requires all Local Education Agencies (LEAs) to identify asbestos-containing building materials (ACBMs) in their school buildings and to take appropriate actions to control the release of asbestos fibers.

Under section 203 of AHERA, EPA may, upon request by a State Governor and after notice and comment and opportunity for a public hearing in the State, waive in whole or part the requirements of the Schools Rule, if the State has established and is implementing or intends to implement an ongoing program of asbestos inspection and management which is at least as stringent as the requirements of the rule. 40 CFR 763.98 sets forth the procedures to implement this statutory provision. The Schools Rule requires that specific information be included in the waiver request submitted to EPA, establishes a process for reviewing waiver requests, and sets forth procedures for oversight and rescission of waivers granted to States. The Agency encourages States to establish and manage their own school regulatory programs under the AHERA waiver program.

EPA issued a notice in the Federal Register of November 29, 1994 (59 FR 60945), which announced the receipt of a waiver request from the State of Colorado, and solicited comments from the public. The notice also discussed

the program elements of the State program.

EPA received one comment during the 60-day comment period. The commenter agreed with the Agency's position. No request for a public hearing was received.

EPA is required to issue a notice in the Federal Register announcing its decision to grant or deny a request for waiver within 30 days after the close of the comment period. The comment period for this docket closed on January 30, 1995. The 30-day review period may be extended if mutually agreed upon by EPA and the State. EPA and Colorado mutually agreed to extend the review period.

The remainder of this document is divided into two units. The first unit discusses the Colorado program and sets forth the reasons and rationale for EPA's decision on the State's waiver request. Unit I. is subdivided into two sections. Section A discusses key elements of the State's program. Section B gives EPA's final approval of the waiver. The second unit of this document discusses statutory requirements of the Paperwork Reduction Act.

## I. The Colorado Program

### A. Program Elements

The Colorado Regulation 8 (Part B, Emission Standards for Asbestos) give the Colorado Department of Public Health and Environment (CDPHE) the authority to regulate asbestos in schools and commercial buildings. The State's regulations adopt by reference the AHERA regulations at 40 CFR part 763, subpart E effective when an AHERA waiver is approved by EPA. The State has the enforcement mechanism to allow it to implement the program. The State has EPA-approved Neutral Administrative Inspection Scheme (NAIS), logging system for tracking tips, complaints, etc., and an enforcement response policy in place. The State has qualified personnel to carry out the provision relating to the waiver. The program will be administered by the CDPHE.

Since the State application for a waiver was received, EPA published a revision to its Asbestos Model Accreditation Plan (MAP). The Asbestos Model Accreditation Plan; Interim Final Rule was published on February 3, 1994 (59 FR 5236). This MAP required that each State adopt an accreditation plan that is at least as stringent as this MAP within 180 days after the commencement of the first regular session of the legislature of the State that is convened on or after April 4,

1994. The CDPHE has not submitted copies of the State's revised regulations. Therefore, the State's regulations are not final at this time.

### B. EPA's Decision on Colorado's Request for Waiver

EPA grants the State of Colorado a partial waiver from the requirements of 40 CFR part 763, subpart E, effective 30 days after publication of this Final Decision. This waiver includes all AHERA requirements except the MAP. EPA will amend the AHERA waiver to include the MAP when the State's MAP regulations become final. Federal jurisdiction shall be in effect in the period between the date of publication of this document and the effective date. This will assure that the State has sufficient time to prepare to assume its new responsibilities. It will also assure the public that no gap in authority occurs, and gives the public sufficient notice of the transfer of duties from EPA to the State of Colorado. This waiver is applicable to all schools and public and commercial buildings covered by AHERA in the State and is subject to rescission under 40 CFR 763.98(j) based on periodic EPA oversight evaluation and conference with the State in accordance with 40 CFR 763.98(h) and 763.98(i).

## II. Other Statutory Requirements

The reporting and recordkeeping provisions relating to State waivers from the requirements of the Asbestos-Containing Materials in Schools Rule (40 CFR part 763) have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act and have been assigned OMB control number 2070-0091.

### List of Subjects in 40 CFR Part 763

Environmental protection, Asbestos, Asbestos in schools (AHERA), Hazardous substances, Reporting and recordkeeping requirements, State and local governments, Worker protection.

Dated: September 20, 1995.

William Yellowtail,

Regional Administrator, Region 8.

[FR Doc. 95-24117 Filed 9-28-95; 8:45 am]

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## 40 CFR Parts 766 and 799

[OPPTS0940028; FRL094956093]

### Technical Amendments to Test Rules and Consent Orders

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA has approved by letter certain modifications to test standards and schedules for chemical testing programs under section 4 of the Toxic Substances Control Act (TSCA). These modifications, requested by test sponsors, will be incorporated and codified in the respective test regulation or consent order. Because these modifications do not significantly alter the scope of a test or significantly change the schedule for its completion, EPA approved these requests without seeking notice and comment. EPA annually publishes a notice describing all of the modifications granted by letter for the previous year.

**EFFECTIVE DATE:** This rule is effective on September 29, 1995.

### FOR FURTHER INFORMATION CONTACT:

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E09543B, 401 M St., SW., Washington, DC 20460, (202) 554091404, TDD (202) 554090551, Internet: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA issued a rule published in the Federal Register of September 1, 1989 (54 FR 36311), amending procedures for modifying test standards and schedules for test rules and testing consent orders under section 4 of TSCA. The amended procedures allow EPA to approve requested modifications which do not alter the scope of a test or significantly change the schedule for its completion. These modifications are approved by letter without public comment. The rule also requires immediate placement of these letters in EPA's public files and publication of these modifications in the Federal Register. This document includes modifications approved from January 1, 1994, through December 31, 1994. For a detailed description of the rationale for these modifications, refer to the submitters' letters and EPA's responses in the public record for this rulemaking.

## I. Discussion of Modifications

Each chemical discussed in this rule is identified by a specific CAS number and docket number. Copies of correspondence relating to specific chemical modifications may be found in docket number (OPPTS0940028) established for this rule. The following table lists all chemical-specific modifications approved from January 1, 1994, through December 31, 1994.